



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

CCB/170102

PRELIMINARY RECITALS

Pursuant to a petition filed November 10, 2015, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Milwaukee Early Care Administration - MECA in regard to Child Care, a hearing was held on December 08, 2015, at Milwaukee, Wisconsin.

The issue for determination is whether the respondent correctly denied petitioner's request to backdate her Child Care eligibility.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

I

Respondent:

Department of Children and Families
201 East Washington Avenue, Room G200
Madison, Wisconsin 53703

By: [REDACTED]

Milwaukee Early Care Administration - MECA
Department of Children And Families
1220 W. Vliet St. 2nd Floor, 200 East
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Peter McCombs
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner was a recipient of CCB.

3. On August 18, 2015, petitioner informed the county agency that her employment with Matthews Senior living ended August 5, 2015, and employment with [REDACTED] [REDACTED] [REDACTED] commenced August 3, 2015.
4. Petitioner filed the instant hearing request seeking backdating of her Child Care eligibility to the beginning of August, 2015.

DISCUSSION

Wis. Stat § 49.155 authorizes the department to operate a child care subsidy program for Wisconsin Works (W-2) recipients and working parents. See also, *W-2 Manual*, 15.2.0. The department has a *Child Care Policy Manual (Manual)* that provides the specific policies for the program. The *Manual* may be viewed on line at <http://dcf.wisconsin.gov/childcare/wishares/manual.htm>.

The child care subsidy program's (CC) authorizing statute contains financial and nonfinancial eligibility criteria. If applicant parents do not meet the nonfinancial and financial eligibility criteria, then CC cannot be granted.

The county agency declined to open the petitioner's CC case before August 1, 2015, because CC eligibility can only go back to the first of month, in the month in which the application is filed or the application interview is conducted. The pertinent *Manual* language reads as follows:

1.3.1 Request for Assistance (RFA)

...

There are three ways for applicants to begin the process of applying for child care assistance:

An applicant may call a local IM Agency.

On the date the applicant phones the agency the local income maintenance agency must complete a. or b. below:

- a. Complete Client Registration in CARES Worker Web (CWW) and generate the Request for Assistance (RFA) for signature and mail it to the applicant or leave it at the front desk for the applicant to sign. Alternatively, the agency may mail form DCF-F- 2835 to the applicant to complete, sign and return, or leave it at the front desk for the applicant to sign.
- i. The filing date is the date the agency receives the signed form, not the applicant signature date.

...

Apply in person at a local IM Agency.

When an individual applies in person the local agency may:

- a. Begin the intake process through an interactive interview, complete the Client Registration pages and continues in CWW to complete the Intake Interview, generate the Application Summary Page and collect the Application Summary signature;

...

Apply online through ACCESS.

ACCESS applications for child care will be routed to the county of residence and must be processed at the county of residence. ... Applicants may return their signed Application Summary to the agency in person, through a FAX process, or via the mail.

...

1.3.6 Eligibility Determination

Once the verification has been determined to be complete, the agency has seven (7) business days to determine eligibility. Eligibility may be backdated only to the first of the month of the *application filing date*, unless the applicant requested an intake appointment and was given an appointment for the following month; in this situation eligibility may be backdated to the first of the month that the agency received a signed request for child care assistance.

(emphasis added)

Id., Ch. 1, §§ 1.3.1, 1.3.6.

The respondent contends that petitioner's failure to timely provide verification of her new employment results in an inability to backdate the eligibility. However, petitioner testified that there were errors in mailings that resulted from some apparent confusion with her son's father's case. Furthermore, the respondent noted that she was unable to locate a notice indicating that petitioner's application had failed due to the failure to receive the requested verification. And petitioner's son's father testified that he personally delivered the requested employer verification to the respondent.

I found all parties' testimony credible here, and conclude that backdating is warranted in this case. This matter shall be remanded to the respondent to backdate petitioner's Child Care eligibility as allowed by the policy information cited above. As discussed in the *Manual*, the county agency had the authority to adjust the authorization back to the first of the month (and, in some cases, up to six days before the beginning of the month).

CONCLUSIONS OF LAW

Petitioner's child care authorization should have been authorized retroactive to the beginning of the month in which she reported the increase in her work/daycare/travel hours.

NOW, THEREFORE, it is ORDERED

That the matter be remanded to the respondent with instructions to authorize petitioner's child for Child Care backdated as allowed pursuant to the *Manual* § 1.3.6. The county agency shall take the ordered action within ten (10) days of the date of this Decision.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and

why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

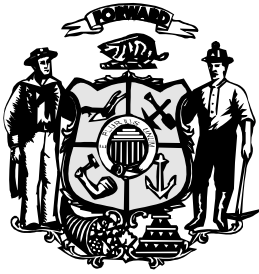
APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Children and Families, 201 East Washington Avenue, Room G200, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 25th day of February, 2016

\sPeter McCombs
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on February 25, 2016.

Milwaukee Early Care Administration - MECA
Child Care Benefits